Manitoba

Annual Report
1999

Residential Tenancies Branch

Includes 10% post-consumer waste

100-07609/

Minister of
Consumer and Corporate Affairs

Legislative Building
Winnipeg, Manitoba, CANADA
R3C 0V8

Honourable Peter M. Liba, C.M.
Lieutenant Governor of Manitoba

May It Please Your Honour:

I have the privilege of presenting for the information of your Honour, the Residential Tenancies Branch Annual Report on the administration of *The Residential Tenancies Act* for the year ending December 31, 1999.

Respectfully submitted:

Ron Lemieux

Manitoba

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Honourable Ron Lemieux
Minister of Consumer and Corporate Affairs
Room 314, Legislative Building
Winnipeg, Manitoba
R3C OV8

Dear Sir:

I have the honour of submitting the Residential Tenancies Branch Annual Report on the administration of The Residential Tenancies Act for the year ending December 31, 1999.

Respectfully submitted,

Roger Barsy

Roger Barsy
Director
Residential Tenancies Branch

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INTRODUCTION

The Residential Tenancies Act requires that a report on the administration of the Act be prepared at the end of each year. The reporting period for this report is the 1999 calendar year. Figures for the 1998 calendar year have also been provided for purposes of comparison and completeness. The 1998 figures may vary slightly from the previous year's report due to updates and revisions made to the data as files are processed and more complete information becomes available.

The Residential Tenancies Branch has its main office in Winnipeg. There are also offices in Brandon and Thompson handling landlord and tenant issues in these cities and their surrounding areas. When available, the statistics reflecting the activities of each office are shown separately.

ACTIVITY SUMMARY

PARTS 1-8 OF THE RESIDENTIAL TENANCIES ACT

Parts 1-8 of the Residential Tenancies Act deal with all residential landlord and tenant matters with the exception of rent regulation. Table 1 provides a statistical summary of the activities of the Residential Tenancies Branch with regard to Parts 1-8 of the legislation. A total of 6,634 files were opened in the 1999 calendar year. An additional 1,367 active files were carried over from 1998. A total of 6,920 cases were processed during 1999 by all three offices, leaving 1,081 files active for processing in the year 2000.

The majority of files opened in 1999 involved security deposit claims totalling 2,012. Of these 2,012 claims, 1,014 claims were for amounts in excess of the security deposit. Hearing dates are set for these security deposit claims and officers of the Branch attempt mediation up to the hearing date. If mediation is not successful, the claim is heard and a decision is issued. The standard for issuing these decisions is within 10 working days of the hearing. The Branch began a new file tracking process of performance standards in mid-year. Preliminary findings, based on last quarter statistics show that the Branch's average for claims was approximately 14 working days. Larger and more complicated claims took longer. The remaining security deposit claims are for the amount of the security deposit or less. Mediation is attempted and if unsuccessful, the file is transferred to adjudication for a decision.

In 1999 cases of non-payment of utilities by landlords reached 277; 858 requests for repair files were started, and 13 cases had rent redirected to ensure repairs were made.

Disputes over notices of termination of tenancy agreements by either landlords or tenants resulted in 373 files being initiated. In 1999, landlords applied to the Branch for 1,610 orders of possession to terminate tenancies. The Branch has performance

standards set for processing order of possession files. First mediation is attempted 5 – 10 days before the hearing date. If the case is heard, decisions are issued within 2 working days from the date of the hearing. Preliminary findings, based on last quarter statistics show that the Branch's average for orders of possession was slightly less than 2 working days. Of the 776 orders issued by the three offices, 666 granted the landlord the order of possession and 48 orders identified a condition that must be met or the order of possession is granted. A total of 37 orders of possession were denied (Table 3). The remaining cases were either settled by the parties prior to the hearing or mediated by an officer of the Branch. If not complied with by the date specified, a certified copy of the order may be filed in the Court of Queen's Bench for enforcement in the same way as an Order of that Court. A total of 194 orders of possession were certified (Table 4).

Failure of landlords and tenants to meet their obligations under The Residential Tenancies Act caused 963 files to be opened. Included are disputes over locks and doors, privacy, seizure of tenant's property, non-payment of rent, disturbance, withholding of services and unauthorized charges or fees. Tenancy agreement disputes as well as various other disputes, i.e. disputes over assignment and subletting, mobile home rentals, abandonment of premises, entitlement to collect rent and change of landlord, totalled 541 files during 1999.

The Residential Tenancies Act establishes a Security Deposit Compensation Fund from unclaimed monies that are forfeited to the Crown under The Residential Tenancies Act. The purpose of the fund is to guarantee the return of the security deposit to tenants when they have a valid claim to it. If the tenant is unable to collect the security deposit from the landlord, the tenant can apply to have the money paid from the security deposit compensation fund. In 1999, $2,849.36 was paid from the fund to 13 tenants.

Information/Education:

The Branch offers information about rights and responsibilities of tenants and landlords through general information lines. The Winnipeg office dedicates 6 staff to answering questions and providing information to people calling in. There are also staff available in Brandon and Thompson. A total of 52,257 information calls were answered in the 1999 calendar year. Information is also available 24 hours a day on the MTS Talking Yellow Pages and the Branch's Internet website. The Talking Yellow Pages services cover some of the most-asked questions on security deposits, rent increases, repairs and notices. For the period January 1, 1999 to December 31, 1999, 2,911 people called into the Talking Yellow Pages. The website contains our Policies and Procedures Guidebook, answers to Frequently Asked Questions, copies of some of the Branch's forms, and a Security Deposit Interest Calculator. A total of 68,054 hits were made to the website from January 1, 1999 to December 31, 1999.

In addition to phone calls, 8,477 people visited the Branch for information and to initiate complaints and the Branch adjudicated a total of 2,101 hearings to resolve disputes between landlords and tenants.

During 1999, staff in Winnipeg, Brandon and Thompson provided a total of 32 information sessions to 560 tenants and 24 information sessions to 336 landlords. The presentations were well received and the evaluations were positive. Three of these sessions, given to 53 landlords, and seven sessions, given to 225 tenants, were on the new Life Lease legislation.

Also in 1999, the Tenant Education Program had the help of 20 volunteers, who gave 41 presentations to 476 people. Groups who received the presentations included: new Canadians, Aboriginal groups, about-to-be-released inmates, inner city and single-parent families, seniors and students. The response was very positive. The presentations received an average evaluation of 4.6 out of 5. Volunteers also conducted quarterly surveys of 122 clients who attend at the Branch on randomly selected days.

TABLE 1

STATISTICAL SUMMARY FOR MANITOBA

PARTS 1 - 8 OF THE RESIDENTIAL TENANCIES ACT

	JANUARY 1, 1998 – DECEMBER 31, 1998 (Files)	JANUARY 1, 1999 - DECEMBER 31, 1999 (Files)	APPEALS TO COMMISSION (Files)
SECURITY DEPOSIT DISPUTES			
Carried forward from previous year	638	722	
Received			
Winnipeg	2,171	1,792	
Brandon	145	121	
Thompson	158	99	
TOTAL	3,112	2,734	
Processed			
Winnipeg	2,076	2,023	202
Brandon	149	129	12
Thompson	165	102	7
ACTIVE	722	480	
REPAIRS			
Carried forward from previous year	176	145	
Received			
Winnipeg	634	784	
Brandon	38	38	
Thompson	31	36	
TOTAL	879	1,003	
Processed			
Winnipeg	657	775	14
Brandon	42	43	1
Thompson	35	14	-
ACTIVE	145	171	

TABLE 1

STATISTICAL SUMMARY FOR MANITOBA

PARTS 1 - 8 OF THE RESIDENTIAL TENANCIES ACT

	JANUARY 1, 1998 - DECEMBER 31, 1998 (Files)	JANUARY 1, 1999 - DECEMBER 31, 1999 (Files)	APPEALS TO COMMISSION (Files)
UTILITIES			
Carried forward from previous year	46	27	
Received			
Winnipeg	295	270	
Brandon	5	4	
Thompson	-	3	
TOTAL	346	304	
Processed			
Winnipeg	314	262	5
Brandon	4	4	-
Thompson	1	2	-
ACTIVE	27	36	
TENANCY AGREEMENTS *			
Carried forward from previous year	18	36	
Received			
Winnipeg	144	158	
Brandon	6	2	
Thompson	-	-	
TOTAL	168	196	
Processed			
Winnipeg	127	146	2
Brandon	5	2	-
Thompson	-	-	-
ACTIVE	36	48	

* Includes disputes over the terms of a tenancy agreement – for example: are utilities included in rent.

TABLE 1

STATISTICAL SUMMARY FOR MANITOBA

PARTS 1 - 8 OF THE RESIDENTIAL TENANCIES ACT

	JANUARY 1, 1998 - DECEMBER 31, 1998 (Files)	JANUARY 1, 1999 - DECEMBER 31, 1999 (Files)	APPEALS TO COMMISSION (Files)
NOTICE			
Carried forward from previous year	27	52	
Received			
Winnipeg	264	309	
Brandon	55	63	
Thompson	-	1	
TOTAL	346	425	
Processed			
Winnipeg	241	303	7
Brandon	53	64	1
Thompson	-	1	-
ACTIVE	52	57	
ORDERS OF POSSESSION			
Carried forward from previous year	65	72	
Received			
Winnipeg	1,534	1,514	
Brandon	31	32	
Thompson	132	64	
TOTAL	1,762	1,682	
Processed			
Winnipeg	1,525	1,541	77
Brandon	31	31	-
Thompson	134	70	2
ACTIVE	72	40	

TABLE 1

STATISTICAL SUMMARY FOR MANITOBA

PARTS 1 - 8 OF THE RESIDENTIAL TENANCIES ACT

	JANUARY 1, 1998 - DECEMBER 31, 1998 (Files)	JANUARY 1, 1999 - DECEMBER 31, 1999 (Files)	APPEALS TO COMMISSION (Files)
FAILURE OF LANDLORD/TENANT TO MEET OBLIGATIONS **			
Carried forward from previous year	194	233	
Received			
Winnipeg	819	829	
Brandon	105	84	
Thompson	20	50	
TOTAL	1,138	1,196	
Processed			
Winnipeg	771	864	62
Brandon	112	86	4
Thompson	22	44	2
ACTIVE	233	202	
OTHER DISPUTES ***			
Carried forward from previous year	100	80	
Received			
Winnipeg	412	320	
Brandon	42	43	
Thompson	31	18	
TOTAL	585	461	
Processed			
Winnipeg	420	356	1
Brandon	45	41	-
Thompson	40	17	-
ACTIVE	80	47	

** Includes disputes over locks and doors, privacy, seizure of tenant's property, non-payment of rent, disturbance, withholding of services, unauthorized charges or fees.

*** Includes disputes over assignment and subletting, mobile homes, abandonment of premises, entitlement to collect rent and change of landlord.

TABLE 1

STATISTICAL SUMMARY FOR MANITOBA

PARTS 1 - 8 OF THE RESIDENTIAL TENANCIES ACT

	JANUARY 1, 1998 – DECEMBER 31, 1998 (Files)	JANUARY 1, 1999 - DECEMBER 31, 1999 (Files)	APPEALS TO COMMISSION (Files)
PARTS 1 – 8 TOTAL			
Carried forward from previous year	1,264	1,367	
Received			
Winnipeg	6,273	5,976	
Brandon	427	387	
Thompson	372	271	
TOTAL	8,336	8,001	
Processed			
Winnipeg	6,131	6,270	370
Brandon	441	400	18
Thompson	397	250	11
ACTIVE	1,367	1,081	

ACTIVITY SUMMARY

PART 9 OF THE RESIDENTIAL TENANCIES ACT

Part 9 of The Residential Tenancies Act deals with the regulation of rents for residential premises in the Province. Applications for rent increases above the guideline amount set by regulation (1% for 1999) were received on 121 buildings affecting 7,102 units (Table 2). Carried over from the previous year were active applications for rent increase from 40 buildings affecting an additional 1,761 units. The Winnipeg and Brandon offices processed applications on 121 buildings affecting 6,529 units during the 1999 calendar year. The Branch has set performance standards for issuing decisions on applications for rent increases. The standard is that decisions are issued within 90 days of the Branch receiving the application. The Branch was able to achieve this standard for approximately 60% of the applications. The delays in processing the other applications related to rent compliance issues and workload. The Branch was given one additional full time and one part time term position to reduce a backlog in rent compliance and rent increase applications.

Tenants objected to rent increases at or below the guideline on 87 units in 1999. Objections on 18 units received in 1998 were also worked on at the Winnipeg and Brandon offices. In 1999, compliance cases affecting 2,248 units were resolved. Compliance cases usually involve rent increases taken which exceed the allowable yearly guideline amount where the landlord did not submit an application for rent increase or situations where more than one rent increase was taken in a one-year period.

Under The Residential Tenancies Act, a landlord who intends to carry out a rehabilitation scheme for a rental unit/residential complex and desires an exemption from rent regulation, may apply for an order approving the rehabilitation scheme. The application is reviewed by the Branch before the landlord obtains approval to proceed with the scheme. Final orders are issued once the landlord has completed the work required for the rehabilitation scheme. This order may be appealed to the Residential Tenancies Commission. In 1999, four buildings affecting 51 units applied for rehabilitation. Three applications affecting 114 units were pending from 1998. Four

of these seven applications were processed before year end. In the remaining three rehabilitation schemes the landlord had the rehabilitation work scheduled for completion in the first few months of the year 2000.

In the 1999 calendar year there were three applications for the withdrawal of service affecting 19 units. An additional six applications affecting 155 units were carried over from 1998. Eight of these applications were processed by year end. An example of a withdrawal of service application is when the payment for cable service switches from the landlord of a building to each tenant. The landlord applies for an order fixing the value of the rent reduction for each tenant.

A total of 41 applications for laundry increase affecting 1,205 units were received in the 1999 calendar year. An additional seven applications were carried over from 1998. A total of 46 applications for laundry increase affecting 1,560 units were processed during 1999. The remaining two applications were received late in the 1999 calendar year and were carried over for processing in the year 2000.

Twenty-six tenant-requested improvement applications, affecting 157 units, were received in 1999. Most of these applications involved units where the rent did not include a hydro charge. The tenants in these units wished to pay a fixed amount to the landlord each month for hydro and have the landlord pay the hydro bill.

There were no applications received for laundry transfer to a third party in 1999. Two applications were carried over from 1998 and were processed in 1999.

TABLE 2
STATISTICAL SUMMARY FOR MANITOBA
PART 9 OF THE RESIDENTIAL TENANCIES ACT

	JANUARY 1, 1998 – DECEMBER 31, 1998		JANUARY 1, 1999 – DECEMBER 31, 1999		APPEALS TO COMMISSION	
	BLDGS.	UNITS	BLDGS.	UNITS	BLDGS.	UNITS
APPLICATIONS FOR RENT INCREASES ABOVE GUIDELINE						
Carried forward from previous year	36	2,086	40	1,761		
Received						
Winnipeg	73	4,185	110	6,972		
Brandon	20	60	11	130		
Thompson	-	-	-	-		
TOTAL	129	6,331	161	8,863		
Processed						
Winnipeg	69	4,212	107	6,434	40	898
Brandon	20	358	14	95	1	22
Thompson	-	-	-	-	-	-
ACTIVE	40	1,761	40	2,334		
TENANT OBJECTIONS TO GUIDELINE OR LESS						
Carried forward from previous year	10	11	18	18		
Received						
Winnipeg	70	70	74	79		
Brandon	3	3	8	8		
Thompson	-	-	-	-		
TOTAL	83	84	100	105		
Processed						
Winnipeg	61	62	66	70	-	-
Brandon	4	4	5	5	-	-
Thompson	-	-	-	-	-	-
ACTIVE	18	18	29	30		

TABLE 2
STATISTICAL SUMMARY FOR MANITOBA
PART 9 OF THE RESIDENTIAL TENANCIES ACT

	JANUARY 1, 1998 – DECEMBER 31, 1998		JANUARY 1, 1999 – DECEMBER 31, 1999		APPEALS TO COMMISSION	
	BLDGS.	UNITS	BLDGS.	UNITS	BLDGS.	UNITS
COMPLIANCE						
Carried forward from previous year	338	1,592	350	1,366		
Received						
Winnipeg	521	1,378	654	2,528		
Brandon	33	47	16	21		
Thompson	-	-	-	-		
TOTAL	892	3,017	1,020	3,915		
Processed						
Winnipeg	510	1,567	886	2,215	11	212
Brandon	32	84	22	33	-	-
Thompson	-	-	-	-	-	-
ACTIVE	350	1,366	112	1,667		
APPLICATION - REHABILITATION						
Carried forward from previous year	5	185	3	114		
Received						
Winnipeg	1	18	3	47		
Brandon	-	-	1	4		
Thompson	-	-	-	-		
TOTAL	6	203	7	165		
Processed						
Winnipeg	3	89	3	114	-	-
Brandon	-	-	1	4	-	-
Thompson	-	-	-	-	-	-
ACTIVE	3	114	3	47		

TABLE 2
STATISTICAL SUMMARY FOR MANITOBA
PART 9 OF THE RESIDENTIAL TENANCIES ACT

	JANUARY 1, 1998 – DECEMBER 31, 1998		JANUARY 1, 1999 – DECEMBER 31, 1999		APPEALS TO COMMISSION	
APPLICATION - WITHDRAWAL OF SERVICE	**BLDGS.**	**UNITS**	**BLDGS.**	**UNITS**	**BLDGS.**	**UNITS**
Carried forward from previous year	9	196	6	155		
Received						
Winnipeg	9	233	2	18		
Brandon	1	22	1	1		
Thompson	-	-	-	-		
TOTAL	19	451	9	174		
Processed						
Winnipeg	9	242	6	150	2	23
Brandon	4	54	2	23	-	-
Thompson	-	-	-	-	-	-
ACTIVE	6	155	1	1		
APPLICATION – TENANT REQUESTED IMPROVEMENTS						
Carried forward from previous year	1	3	9	890		
Received						
Winnipeg	20	917	24	155		
Brandon	-	-	2	2		
Thompson	-	-	-	-		
TOTAL	21	920	35	1,047		
Processed						
Winnipeg	12	30	27	904	1	1
Brandon	-	-	1	1	-	-
Thompson	-	-	-	-	-	-
ACTIVE	9	890	7	142		

TABLE 2
STATISTICAL SUMMARY FOR MANITOBA
PART 9 OF THE RESIDENTIAL TENANCIES ACT

	JANUARY 1, 1998 – DECEMBER 31, 1998		JANUARY 1, 1999 – DECEMBER 31, 1999		APPEALS TO COMMISSION	
	BLDGS.	UNITS	BLDGS.	UNITS	BLDGS.	UNITS
APPLICATION - LAUNDRY INCREASE						
Carried forward from previous year	4	90	7	357		
Received						
Winnipeg	15	663	41	1,205		
Brandon	1	3	-	-		
Thompson	-	-	-	-		
TOTAL	20	756	48	1,562		
Processed						
Winnipeg	9	345	46	1,560	1	1
Brandon	4	54	-	-	-	-
Thompson	-	-	-	-	-	-
ACTIVE	7	357	2	2		
APPLICATION FOR LAUNDRY TRANSFER TO THIRD PARTY						
Carried forward from previous year	1	14	2	83		
Received						
Winnipeg	14	612	-	-		
Brandon	-	-	-	-		
Thompson	-	-	-	-		
TOTAL	15	626	2	83		
Processed						
Winnipeg	13	543	2	83	1	1
Brandon	-	-	-	-	-	-
Thompson	-	-	-	-	-	-
ACTIVE	2	83	-	-		

TABLE 2
STATISTICAL SUMMARY FOR MANITOBA
PART 9 OF THE RESIDENTIAL TENANCIES ACT

	JANUARY 1, 1998 – DECEMBER 31, 1998		JANUARY 1, 1999 – DECEMBER 31, 1999		APPEALS TO COMMISSION	
	BLDGS.	UNITS	BLDGS.	UNITS	BLDGS.	UNITS
PART 9 TOTAL						
Carried forward from previous year	404	4,177	435	4,744		
Received						
Winnipeg	723	8,076	908	11,004		
Brandon	58	135	39	166		
Thompson	-	-	-	-		
TOTAL	1,185	12,388	1,382	15,914		
Processed						
Winnipeg	686	7,090	1,143	11,530	56	1,136
Brandon	64	554	45	161	1	22
Thompson	-	-	-	-	-	-
ACTIVE	435	4,744	194	4,223		

TABLE 3
ORDERS ISSUED BY TYPE

	January 1, 1998– December 31, 1998	January 1, 1999 – December 31, 1999
Repairs	284	370
Utilities	535	626
Order of Possession		
Granted	632	666
Denied	26	37
Conditional **	93	48
Other*	4	25
Security Deposit ***	1,419	1,448
Rent Regulation	4,463	6,269
Other	1,080	1,133
TOTAL	8,536	10,622

* Other reasons resolving order of possession cases would be:
(1) a mediation settlement prior to the hearing
(2) the tenant vacated prior to the order
(3) affected party was not served properly

** The figures in the conditional category refer to orders which identify that a condition must be met or the order of possession is granted.

*** Also includes orders on claims for amount in excess of the security deposit.

TABLE 4
CERTIFIED ORDERS BY TYPE

	January 1, 1998– December 31, 1998	January 1, 1999 – December 31, 1999
Orders of Possession	134	194
Other Orders	842	827
TOTAL	976	1,021

TABLE 5

INCOMING CALLS, INTERVIEWS AND HEARINGS

	JANUARY 1, 1998 – DECEMBER 31, 1998	JANUARY 1, 1999 – DECEMBER 31, 1999
TOTAL CALLS FOR INFORMATION *		
Winnipeg	43,551	45,139
Brandon	5,016	3,659
Thompson	3,058	3,459
TOTAL	51,625	52,257
INTERVIEWS		
Winnipeg	5,607	5,996
Brandon	2,504	2,297
Thompson	399	184
TOTAL	8,510	8,477
HEARINGS		
Winnipeg	1,801	1,827
Brandon	120	123
Thompson	181	151
TOTAL	2,102	2,101

* These figures reflect the number of calls received for information through the Branch information lines and do not include an additional 40,000 – 50,000 calls to Residential Tenancies Officers.